

SECOND REGULAR SESSION

SENATE BILL NO. 1387

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

2840S.02I

AN ACT

To repeal sections 174.050, 174.055, 174.070, 174.241, 174.300, 174.332, 174.450, 174.453, 174.610, 174.620, 174.621, 175.020, 175.021, 175.023, 175.030, 175.040, 178.632, and 178.633, RSMo, and to enact in lieu thereof sixteen new sections relating to student representation on the governing boards of public higher education institutions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 174.050, 174.055, 174.070, 174.241, 174.300, 174.332, 174.450, 174.453, 174.610, 174.620, 174.621, 175.020, 175.021, 175.023, 175.030, 175.040, 178.632, and 178.633, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 174.050, 174.070, 174.241, 174.300, 174.332, 174.450, 174.453, 174.610, 174.620, 174.621, 175.020, 175.023, 175.030, 175.040, 178.632, and 178.633, to read as follows:

174.050. 1. The board of regents for [each college] **Southeast Missouri State University** shall be composed of seven members, six of whom shall reside in the district in which the college [for which they are appointed regents] is situated, and at least one member [of each board] shall be a resident of the county in which the college [for such district] is located. [The state commissioner of education shall be an ex officio member of each of said boards.] **Such members shall be appointed by the governor with the advice and consent of the senate.**

2. **Beginning with the next appointment to the board of regents by the governor after August 28, 2005, one of the seven members of the board shall be a current full-time student of Southeast Missouri State University, whose title shall be student regent, whose term of service shall be two years provided that such person maintains the status of a full-time student. The student regent shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student regent's term of service, the governor shall appoint a current full-time student from Southeast Missouri State University to serve as student regent.

3. Such student regent shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government president of the university, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at Southeast Missouri State University.

174.070. The regents shall hold their offices for the term of six years, **except the student regent who shall hold office for two years**, from the first day of January next prior to their confirmation, and until their successors are duly appointed and qualified, except such as may be appointed to fill a vacancy, who shall hold office for the unexpired term.

174.241. 1. The board of regents of Missouri Western State College shall consist of ~~[six]~~ **seven** members, who shall be appointed by the governor, by and with the advice and consent of the senate, and shall be responsible for the administration of the college. **Beginning with the next appointment to the board of regents by the governor after August 28, 2005, one of the seven members shall be a current full-time student, whose title shall be student regent and whose term of service shall be two years provided that such person maintains the status of a full-time student. The student regents shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student regent's term of service, the governor shall appoint a current full-time student from the institution to serve as student regent. Such student regent shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the universities, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at Missouri Western State College. All persons appointed to the board of regents shall be citizens of the United States and shall have been residents of the state of Missouri for two successive years next preceding the date of their appointment, and other than the student regent, shall be residents of the district in which the college is located, and not more than [three] **four** members of the board of regents shall belong to the same political party.**

2. The term of service of the members of the board of regents shall be six years, **except the student regent who shall hold office for two years as provided in subsection 1 of this section**, the term of one **nonstudent** member expiring each year[, except that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years. The governor shall first appoint members to the board of regents prior to October 13, 1975].

174.300. 1. Prior to October 17, 1978, the governor shall, with the advice and consent of the senate, appoint a six member board of regents to assume the general control and management of Harris-Stowe College. **Except as provided in subsection 2 of this section**, the members of the board shall serve for terms of six years each[, except for the members first appointed, two of whom shall serve two-year terms, two of whom shall serve four-year terms, and two of whom shall serve six-year terms.] **Such members shall be appointed by the governor with the advice and consent of the senate.** Not more than [three] **four** of the regents shall be affiliated with any one political party.

2. **Beginning with the next appointment to the board of regents by the governor of Missouri after August 28, 2005, the board of regents of Harris-Stowe College shall consist of seven members, one whom shall be a current full-time student, whose title shall be student regent, and whose term of service shall be two years provided that such person maintains the status of a full-time student. The student regent shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student regent's term of service, the governor of Missouri shall appoint a current full-time student from Harris-Stowe College to serve as student regent.**

3. **Such student regent shall be a full-time student at the college as defined by the board, selected from a panel of three names submitted to the governor by the student government president of the college, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at Harris-Stowe College.**

174.332. [Notwithstanding the provisions of section 174.050 to the contrary,] 1. The board of regents of Northwest Missouri State University shall be composed of [nine] **ten** members, six of whom shall reside in the district in which the university is situated with at least one member of the board being a resident of Nodaway County and two additional members selected from any of the seven college districts as contained in section 174.010, provided that no more than one **nonstudent** member be appointed from the same congressional district, one of which shall serve a term of three years and one of which shall

serve a term of six years. All subsequent **nonstudent** members appointed shall serve a term of six years pursuant to the provisions of section 174.070. **Such members shall be appointed by the governor with the advice and consent of the senate.**

2. One of the ten members shall be a current full-time student, whose title shall be student regent and whose term of service shall be two years provided that such person maintains the status of a full-time student. The student regent shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student regent's term of service, the governor shall appoint a current full-time student from Northwest Missouri State University to serve as student regent.

3. Such student regent shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government president of the university, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at Northwest Missouri State University.

174.450. 1. The governing board of Central Missouri State University, Southwest Missouri State University, Missouri Southern State University-Joplin, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, RSMo, is charged with a statewide mission shall be a board of governors consisting of eight members, [composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455,] who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four [voting] **of the non-student** members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030, RSMo.

2. Beginning with the next appointments to the governing boards by the governor of Missouri after August 28, 2005, one of the eight members of the board of governors of the institutions articulated in subsection 1 of this section shall be current full-time students of their respective institutions, whose titles shall be

student governor, and whose terms of service shall be two years provided that such persons maintain the status of a full-time student. The student governors shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student governors' term of service, the governor of Missouri shall appoint a current full-time student from the respective institution of higher learning to serve as student governor.

3. Such student governors shall be full-time students at their respective university as defined by the board, selected from a panel of three names submitted to the governor by the respective student government president of the university, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at their respective university.

174.453. 1. The board of governors shall be appointed as follows:

(1) Five [voting] members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred thousand inhabitants;

(2) Two [voting] members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

(3) One [nonvoting] member who is a student shall be selected in the [same] manner as prescribed in [section 174.055] **subsection 2 of section 174.450**.

2. The term of service of the governors shall be as follows:

(1) The [voting] **nonstudent** members shall be appointed for terms of six years; and

(2) The [nonvoting] student member shall serve a two-year term.

3. Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

174.610. 1. The governing board of the Truman State University shall be a board of governors consisting of ten members, composed of [seven] **eight** voting members, **one of whom shall be a student governor**, and [three] **two** nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such person's appointment. Not more than four [voting] **of the non-student** governors shall belong to any one political party. [The appointed members of the board of regents serving on January 1, 1986, shall become members of the

board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.]

2. Beginning with the next appointment to the governing board by the governor of Missouri after August 28, 2005, one of the eight voting members of the board shall be a current full-time student of Truman State University, whose title shall be student governor, whose term of service shall be two years, provided the person maintains the status of a full-time student. The student governor shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student governor's term of service, the governor of Missouri shall appoint a current full-time student from Truman State University to serve as student governor.

3. Such student governor shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government president of the university, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at Truman State University.

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county;

(2) Three voting members from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions; and

(4) One [nonvoting] **voting** member who is a student. Such student [representative] **member** shall attend all meetings and participate in all deliberations of the board, **as provided in section 174.610.** [Such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055.]

2. The term of service of the governors shall be as follows:

(1) The voting members, **other than the student member**, shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members [who are not students] shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The [nonvoting] student member shall serve a two-year term as provided in [section 174.055] **subsection 2 of section 174.610.**

3. The governors, both voting and nonvoting, while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the University of Missouri.

174.621. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members [and representatives] on the board.

2. Any member [or representative] on the board may recuse himself or herself from any deliberation or proceeding of the board.

[3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.]

175.020. 1. The board of curators of Lincoln University of Missouri shall hereafter consist of [nine] **ten members, one of whom shall be a student curator**, who shall be appointed by the governor, by and with the advice and consent of the senate. No person shall be appointed a curator who shall not be a citizen of the United States and who shall not have been a resident of the state of Missouri two years next prior to his or her appointment. Not more than five curators shall belong to any one political party.

2. Beginning with the next appointment to the board of curators by the governor after August 28, 2005, one of the nine members of the board shall be a current full-time student of Lincoln University, whose title shall be student curator, and notwithstanding the provisions of section 175.030, whose term of service shall be two years provided that such person maintains the status of a full-time student. The student curator shall have the right to vote on any matter before the board, except on matters pertaining to legal actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student curator's term of service, the governor shall appoint a current full-time student from the Lincoln University to serve as student curator.

3. Such student curator shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government president of the university, a citizen of the United States, and a resident of this state. No person may be appointed who is not

actually enrolled during the term of such person's appointment as a student at the Lincoln University.

175.023. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members [and representatives] on the board.

2. Any member [or representative] on the board may recuse himself or herself from any deliberation or proceeding of the board.

[3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.]

175.030. **Except as provided in subsection 2 of section 175.020**, the term of service of the curators shall be six years, the term of three expiring every two years, the first expiration occurring on the first day of January, 1942, and succeeding expirations of three members every two years thereafter. Said curators while attending the meeting of the board shall receive their actual expenses which shall be paid out of the ordinary revenues of the university.

175.040. It is hereby provided that the board of curators of the Lincoln University shall organize after the manner of the board of curators of the state University of Missouri, **with the sole exception of the student curator**; and it is further provided, that the powers, authority, responsibilities, privileges, immunities, liabilities and compensation of the board of curators of the Lincoln University shall be the same as those prescribed by statute for the board of curators of the state University of Missouri, except as stated in this chapter.

178.632. 1. The governing board of Linn State Technical College shall be a board of regents composed of [seven] **eight** [voting] members [and one nonvoting student member], **one of whom shall be a student regent**. Such members shall be appointed by the governor with the advice and consent of the senate [after August 28, 1995, and after the conditions of section 178.631 are satisfied]. No person shall be appointed to the board who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to his appointment. **Other than the student regent**, not less than three [voting] members shall belong to one of the two major political parties and not less than three shall belong to the other major political party. **Other than the student regent**, not more than two [voting] members shall reside in Osage County or other immediately contiguous counties.

2. **Beginning with the next appointment to the board of regents by the governor after August 28, 2005, one of the eight members of the board shall be a current full-time student of Linn State Technical College, whose title shall be student regent, whose term of service shall be two years provided that such person maintains the status of a full-time student. The student regent shall have the right to vote on any matter before the board, except on matters pertaining to legal**

actions, causes of action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining or promotion of personnel, and records that are protected from disclosure by law. At the end of the student regent's term of service, the governor shall appoint a current full-time student from Linn State Technical College to serve as student regent.

3. Such student regent shall be a full-time student at the college as defined by the board, selected from a panel of three names submitted to the governor by the student government president of the college, a citizen of the United States, and a resident of this state. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at Linn State Technical College.

178.633. [Voting] members of the board shall be appointed for terms of six years, except [that of the voting members first appointed, two shall serve for two years, two for four years, and three for six years. The terms and conditions of service for nonvoting members shall be the same as provided by law for the University of Missouri] **the student regent who shall hold office for two years.**

[174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents or governors of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for

expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.]

[175.021. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government association of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of his or her appointment as a student at the university.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1989.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until his or her successor is appointed and qualified.

5. If the student representative ceases to be a student at the university, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the board of which the representative has due notice, the position shall at once become vacant, unless the absence is caused by sickness or some accident preventing the representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.]